



# Austin City Council MINUTES

For April 26, 1990

Council Chambers, 307 West Second Street, Austin, Texas

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Mayor Cooke called to order the meeting of the Council, noting the presence of all Councilmembers.

## MINUTES APPROVED

The Council, on Councilmember Humphrey's motion, Councilmember Carl-Mitchell's second, approved minutes for regular meetings of April 17 (as Electric Utility Board) and April 19, 1990; and special meeting of April 17, 1990. (6-0 Vote, Councilmember Urdy out of the room)

## CITIZEN COMMUNICATIONS

Mrs. Sue Schorer addressed current City issues. Mr. David Elliott discussed Council expenditures. Mr. Steve Sawyer talked about the City Council. Mr. Theodore Polovy asked for deannexation of McCall Estates from City of Austin. Mr. Doyle Nordyke and Mr. Paul Robbins withdrew their requests to speak. Mr. David W. Samuelson discussed the airport at Manor. Mr. Gavino Fernandez discussed the 240 hour time cap set on vacation accumulation by City employees. Mr. Bruce Bower requested action on Order of Repair, Vacation, Closure, or Demolition of the structure on 800 Newcastle Drive. (Council requested this item be brought back for action on May 10, 1990. Mr. R. Luthor Carpenter had concerns about cable television.

## ITEMS POSTPONED OR PULLED

Postponed to May 10, 1990 is a resolution approving selection of Freese & Nichols, Inc., 314 Highland Mall Blvd., Suite 560, Austin, Texas, for professional engineering services for the Ullrich Water Treatment Plant Lime Sludge Transportation Route Alternatives Project. (Estimated cost of preliminary engineering only: \$50,000.00 - included in budget for C.I.P. Project No. 385-227-0935)

Items from Council postponed to May 10, 1990 are: (1) Appoint a Charter Revision Commission consisting of seven members to consider and make recommendations on whether certain provisions of the City Charter should be revised. (Mayor Pro Tem Shipman); (2) Approval of adding a bilingual stipend for City employees that must utilize a second language in the performance of their job duties. (Councilmember Barnstone); (3) Postponed to May 10, 1990 is approval of adoption of draft of City of Austin legislative program for the 72nd regular session of the Texas Legislature; (4) Pulled off the agenda was approval of vacation of 14th Street and Congress Avenue for State Capitol expansion project. (Councilmember Carl-Mitchell); (5) Postponed to May 10, 1990 is adoption of a resolution regarding the establishment and operation of the Austin Music

Channel. (Mayor Cooke and Councilmember Nofziger); (6) Consideration of a resolution requesting that the State of Texas increase the penalty for minors in possession of alcohol was postponed to May 10, 1990. (Mayor Pro Tem Shipman);(7) Discussion and possible suspension, for 90 days, of the funeral detail in the Police Department, and devote those resources to gangs/drug related activities and other targeted areas of the City. (Mayor Cooke)

#### **URBAN TRANSPORTATION COMMISSION**

Jim O'Donnell, Chairman, Urban Transportation Commission, reported to Council on East/West Mobility.

#### **POLLING PLACE CHANGE**

The Council, on Councilmember Barnstone's motion, Councilmember Carl-Mitchell's second, waived the requirement for three readings and finally passed an ordinance amending Ordinance No. 900315-B by changing a polling place, designating a polling place and appointing election officials. (7-0 Vote)

#### **CONSENT RESOLUTIONS**

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Humphrey's second, adopted the following resolutions all in one consent motion: (7-0 Vote)

#### **Public Utility Easement**

Authorized release of a portion of the Public Utility Easement on Lot 8, Block C, Jester Point 2, Section 4 recorded in Volume 8917, Pager 404 on the Travis County Real Property Records for 7400 Teak Cove. (Request submitted by Lockwood Engineers, Inc. on behalf of Scott Felder Homes.)

#### **Installation of Water Line**

Authorized an easement to Aqua Water supply for the installation of a water line across City owned land on Pearce Lane. (The value of the easement was determined to be \$100.00 - granting this easement will have no effect on City budgets)

#### **Application for Grants**

Authorized application for and acceptance of a grant in the amount of \$224,486.00 from the National Council of Senior Citizens for program to provide employment for low income senior citizens. No fiscal impact.

Authorized application for and acceptance of a grant in the amount of \$515,977.00 from the Capital Area Planning Council and Texas Department on Aging for Title III-C American Act and U.S. Department of Agriculture funding. No fiscal impact.

#### **Giddings to Llano/Marble Falls Track**

Approved intended transfer of ownership of the City-owned Giddings to Llano/Marble Falls track, tract structures and real estate and the Urban Mass

Transportation Administration (UTMA) Grant to the Capital Metropolitan Transit Authority.

Ullrich Water Treatment Plant

Approved Supplemental Amendment No. 4 to Professional Services Agreement with Heery Program Management, Inc., in an amount of \$50,000.00 to provide construction claim review and analysis services related to Contract 5 at the Ullrich Water Treatment Plant. C.I.P. No. 385-227-0935.

Public Hearings Set

Set a public hearing to amend Chapter 13-2 to designate Escarpment Blvd. from William Cannon Drive to the proposed Outer Loop, a scenic arterial for May 17, 1990 at 3:00 P.M.

Set a public hearing on an appeal of a decision made by the Building Standards Board for the building locally known as 1112 East 1st Street for May 10, 1990 at 3:30 P.M.

**SIXTH STREET**

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Nofziger's second, approved the following items concerning Sixth Street: (6-0 Vote, Councilmember Humphrey out of the room)

- Approved appointing a task group to examine the issues and make recommendations concerning the establishment of an alcohol detoxification program for homeless and other appropriate persons arrested for public intoxication.

- Adopted a resolution approving a contract award to American Pressure Wash for pressure washing the sidewalks on Congress Avenue & 6th Street, in the amount of \$6,425.00 (\$6,425.00 to be funded by the Environmental and Conservation Services Enterprise Fund [Solid Waste].- Set a public hearing for a proposed rate change for the downtown service contract for continuation of the program for May 24, 1990 at 5:30 P.M.

- Complete a study on a curfew for persons 16 years of age and younger in the Sixth Street area and set a public hearing on establishing a curfew for May 17, 1990 at 5:00 P.M.

**ZONING CHANGE**

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Nofziger's second, approved initiating a zoning change for property located in the Travis Country Subdivision to bring zoning of the Homeowner's Association property into conformance with existing uses. (6-0 Vote, Councilmember Humphrey out of the room.)

LOBBYING

Council had before them for consideration approval of second/third readings of an ordinance revising Chapter 9-6 related to lobbying by clarifying registration and reporting requirements and adding principal registration.

Motion

Councilmember Barnstone made a motion, seconded by Mayor Cooke to approve as amended.

Substitute Motion

Councilmember Humphrey made a motion, seconded by Mayor Pro Tem Shipman to approve second/third readings of an ordinance revising Chapter 9-6 related to lobbying by clarifying registration and reporting requirements and adding principal registration with amendments and also eliminate Section 5h. Motion passed by a vote of 5-2 with Councilmember Nofziger and Mayor Cooke voting No.

SIGN REGULATIONS

The Council, on Councilmember Barnstone's motion, Mayor Cooke's second, adopted an ordinance amending Article VII (Sign Regulations), Chapter 13-2 (Land Use), Title XIII (Land Development Code) of the Austin City Code of 1981 relating to the regulations of signs in Austin's planning jurisdiction; and containing other provisions relating to the foregoing subject, except, approving a 50' limit on interstate signs; and sidewalk signs are allowed. (5-1 Vote, Councilmember Nofziger voted No, Councilmember Carl-Mitchell was out of the room)

Later in the Day

Motion

Mayor Pro Tem Shipman made a motion, seconded by Councilmember Humphrey to reconsider the motion, which passed by a 6-1 Vote, Councilmember Barnstone voted No.

Motion

Councilmember Carl-Mitchell made a motion, seconded by Mayor Pro Tem Shipman, to approve the Planning Commission recommendation.

Friendly Amendment

Mayor Pro Tem Shipman offered a friendly amendment as follows: "I propose an amendment to the Planning Commission recommendation, they did not include downtown sidewalk signs....the wording would be, in this clause, Sec. 13-2-872, that the words be 'downtown sidewalk signs'; at the end of Item C, after the wording installing the sign 'and the business is zoned CBD or DMU'". Councilmember Carl-Mitchell accepted the friendly amendment.

Friendly Amendment

Mayor Pro Tem Shipman said, "I'd like to offer a second friendly amendment that under the low density residential sign district, following the words 'lost pets' that also be inserted, 'found pets'; and under Item 19, signs not requiring sign permit, after the words 'no longer than three days' we should put 'including the posting date, 30 days for lost pets and 30 days for found pets'". Councilmember Carl-Mitchell accepted the friendly amendment.

Councilmember Barnstone asked if the height limit would be 35 feet for interstate signs. He was told yes.

Roll Call on Motion

4-3 Vote, Mayor Cooke, Councilmembers Barnstone and Urdy voted No. First Reading only of Ordinance.

CANCELED RENTAL REHABILITATION PROJECT

The Council, on Councilmember Urdy's motion, Mayor Cooke's second, ~~adopted a resolution~~ <sup>waived requirement for 3 readings</sup> to appropriate \$45,960.00 from the Planning and Development Department's budget to repay the U.S. Department of Housing and Urban Development (HUD) for a canceled Rental Rehabilitation project. (7-0 Vote)

ACVB

Council had before them for consideration approval of the addition of a Director of Sales and Services position to the Convention Sales & Services Division and the addition of an Administrative Assistant I position to the Marketing and Public Relations Division of the Austin Convention and Visitors Bureau (ACVB) Department (in an amount not to exceed \$22,000.00 from FY 1989-90 vacancy savings).

Motion

Councilmember Carl-Mitchell made a motion, seconded by Councilmember Urdy to waive the requirement for three readings and finally pass an ordinance adding a director of Sales and Services position to the Convention Sales & Services Division and add an Administrative Assistant I position to the Marketing and Public Relations Division of the Austin Convention and Visitors Bureau (ACVB) Department, in an amount not to exceed \$22,000.00 from FY 1989-90 vacancy savings.

Substitute Motion - FAILED

Mayor Pro Tem Shipman offered a substitute motion to present this for bid and review and come back to Council May 10, 1990. Councilmember Barnstone seconded the motion, which FAILED by a vote of 2-5 with Councilmembers Humphrey, Nofziger, Urdy, Mayor Cooke and Councilmember Carl-Mitchell voting No.

**TRASK HOUSE RELOCATION**

The Council, on Councilmember Urdy's motion, Councilmember Carl-Mitchell's second, adopted a resolution approving a construction contract award to VICON CONSTRUCTORS, INC., (Certified MBE), Austin, Texas, for the Trask House relocation relating to the Austin Convention Center in an amount not to exceed \$369,569.00 - included in C.I.P. Project No. 493 827 1000 from Convention Center Bonds. (7-0 Vote)

**CONTRACTS**

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Urdy's second, voted 7-0 to adopt resolutions approving the following contracts:

- Approved six month supply agreement contracts to GULF COAST PAPER CO., Victoria, Texas, for coarse paper products in an amount not to exceed \$45,122.00 (83% for recycled paper); and to AUSTIN CHEMICAL CO., DIV. OF POLLOCK PAPER DISTRIBUTOR, Austin, Texas, in an amount not to exceed \$33,434.00 (90% for recycled paper), for the total dollar amount not to exceed \$78,556.00 with the option to extend for an additional six month period in the dollar amount not to exceed \$78,556.00. Reference File: IFB 90 0161 1 B0.

- Approved a twelve month contract award to AMERICLEAN CONTRACTORS, Certified MBE, Austin, Texas, for janitorial services to seven branch libraries not to exceed \$31,380.00 with the option to extend for two one-year periods not to exceed \$31,380.00 per extension option. (\$31,380.00 included in the 1989-90 Operating Budgets from Library Fund)

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The Council, on Councilmember Carl-Mitchell's motion, Councilmember Barnstone's second, adopted a resolution approving a five month contract award to SHERRY MATTHEWS ADVERTISING, (Certified WBE), 101 San Jacinto Blvd., Austin, Texas, for creative advertising and media buying services in an amount not to exceed \$160,000.00 (Included in the FY 1989-90 Austin Convention and Visitors Bureau budget. (7-0 Vote)

**FINANCIAL ADVISORY SERVICES**

The Council, on Councilmember Humphrey's motion, Mayor Cooke's second, adopted a resolution approving a contract award to FIRST SOUTHWEST COMPANY, 1700 Pacific Avenue, Dallas, Texas, for financial advisory services to the City of Austin for a period of four years, beginning July 1990. (Fee is based on a sliding fee scale and is funded through bond proceeds at time of sale.) (7-0 Vote)

**CHILD CARE BILL**

The Council, on Councilmember Nofziger's motion, Mayor Cooke's second, adopted a resolution urging the United States Congress to pass a Comprehensive Child Care Bill. (7-0 Vote)

**DISCUSSION OF CONTRACT**

Councilmember Barnstone introduced an item to Council to discuss and consider making changes to the Cahaba Construction Co. contract regarding the counter layout for car rental agencies at Robert Mueller Airport.

**Motion - DIED FOR LACK OF SECOND**

Councilmember Barnstone made a motion to go back to the original scheme. There was no second to the motion, so motion died for lack of second.

**DENTAL AND IMMUNIZATION SERVICES**

Council had before them for discussion amending Ordinance No. 890914-A the FY 1989-90 Operating Budget for the General Fund by appropriating \$332,702.00 from the Contingency Reserve to the Health and Human Services Department for dental services, social workers, immunizations, and pre-natal care.

After discussion, the following motion was made:

**Motion**

The Council, on Mayor Pro Tem Shipman's motion, Councilmember Carl-Mitchell's second, waived the requirement for three readings and finally passed an ordinance amending Ordinance No. 890914-A, the FY 1989-90 Operating Budget for the General Fund by appropriating \$133,533 from current budget savings in Health and Human Services Department for dental and immunization services. (6-0 Vote, Councilmember Nofziger out of the room)

**CDBG**

Mayor Cooke opened the public hearing set for 6:00 P.M. to obtain the views of citizens on the housing and community development needs of the City as required by the Community Development Block Program; and approve a resolution authorizing application for and acceptance of a Fiscal Year 1990-91 (16th year) Community Development Block Grant in the amount of \$4,630,000.00 from the United States Department of Housing and Urban Development.

Speaker's cards are on file in the City Clerk's office.

**Motion**

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Barnstone's second, closed the public hearing. (4-0 Vote, Councilmembers Humphrey and Nofziger and Mayor Pro Tem Shipman out of the room)

**CONTRACTS**

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Humphrey's second, adopted a resolution approving selection (RFQ) of ALAN PLUMMER AND ASSOCIATES, INC., 1120 Capitol of Texas Hwy. South, Austin, Texas, for assistance in acquiring wastewater treatment plant discharge permits in the

estimated maximum amount of \$125,000.00; to be funded equally among C.I.P. Project Numbers 434-237-0930; 437-237-0912 & 431-237-0900. (5-0 Vote, Mayor Pro Tem Shipman and Councilmember Nofziger out of the room)

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Urdy's second, adopted a resolution approving selection (RFQ) of STONE AND WEBSTER ENGINEERING CORP., 330 Barker Cypress Road, Houston, Texas, to provide design services for the Robert Mueller Municipal Airport Access Security Program. (Estimated cost of \$100,000.00 is included in the budget for C.I.P. Project No. 881-817-0507)

#### U.S. CONFERENCE OF MAYORS LEGISLATIVE PROGRAM

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Urdy's motion, directed the City Manager to direct staff to prepare resolutions for the City of Austin proposals for the U.S. Conference of Mayors legislative program. (5-0 Vote, Mayor Pro Tem Shipman and Councilmember Nofziger out of the room.)

#### COSTS OF LITIGATION RE FORREST E. SMOCK

The Council, on Councilmember Barnstone's motion, Councilmember Carl-Mitchell's second, adopted a resolution directing the City Manager to charge the costs of the litigation against the City in Forrest E. Smock v. City of Austin to the Aviation Fund to insure that the costs are included in the rates and charges collected from the airlines. (5-0 Vote, Mayor Pro Tem Shipman, Councilmember Nofziger out of the room)

#### EXECUTIVE SESSION

Mayor Cooke announced Council would enter into Executive Session, pursuant to Article 6252-17, Texas Revised Civil Statutes Annotated, to discuss matters of land acquisition, litigation and for personnel matters. No final action, decision or vote by the City Council will be taken on any subject or matter unless specifically listed on the agenda for this meeting.

Land Acquisition - Section 2, Paragraph f

(a) Review and discussion of real property acquisitions for:

- (1) U.S. Highway 183/290 Project
- (2) E. Ben White Water Transmission Main

#### RECESS

Council recessed its meeting from 8:05 to 8:15 P.M. for executive session.

#### REAL PROPERTY ACQUISITION

The Council, on Councilmember Carl-Mitchell's motion, Mayor Cooke's second, adopted resolutions authorizing real property acquisitions for the following: (See Page 9) (4-0 Vote, Mayor Pro Tem Shipman, Councilmembers Humphrey and Nofziger out of the room)

- (1) U.S. Highway 183/290 Project
- (2) E. Ben White Water Transmission Main

**ADJOURNMENT**

Council adjourned its meeting at 8:17 P.M.